

**HOUSE BILL NO. 172**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES PORTER, Murkowski, Rokeberg**

**Introduced: 3/9/01**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to therapeutic courts for offenders and to the authorized number of**  
2   **superior court judges."**

3   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4       **\* Section 1.** The uncoded law of the State of Alaska is amended by adding a new section  
5   to read:

6       LEGISLATIVE PURPOSE; THERAPEUTIC COURTS FOR ALCOHOL- AND  
7   DRUG-ADDICTED OFFENDERS. (a) The purposes of therapeutic courts are lasting  
8   sobriety of offenders, protection of society from alcohol-related and drug-related crime,  
9   prompt payment of restitution to victims of crimes, effective interaction and use of resources  
10   among criminal justice and community agencies, and long-term reduction of costs relating to  
11   arrest, trial, and incarceration. The pilot therapeutic courts established in (b) of this section  
12   shall serve as working models for the development of other similar courts in other areas of the  
13   state. It is the intent of the legislature that the additional superior court judge authorized for  
14   the Fourth Judicial District by sec. 2 of this Act be assigned to Bethel and that the additional

1 superior court judge authorized for the Second Judicial District be assigned to Anchorage.

2 (b) The Alaska Court System shall establish two pilot sites for therapeutic courts for  
3 alcohol- and drug-addicted offenders in Anchorage and Bethel; the Anchorage therapeutic  
4 court shall commence on the effective date of this Act; the Bethel therapeutic court shall  
5 commence on January 2, 2002; the pilot programs shall end three years after the date each  
6 court commences. The Alaska Court System will designate one superior court judge in  
7 Anchorage and one superior court judge in Bethel to preside over the therapeutic courts.  
8 Under the leadership of these judges, all parties involved in the implementation of the  
9 therapeutic court process shall regularly meet to consult about the conduct and improvement  
10 of the process. The pilot programs shall be implemented by the joint efforts of the Alaska  
11 Court System, the Department of Law, the Public Defender Agency, the Department of  
12 Corrections, the Department of Health and Social Services, and other agencies in accordance  
13 with a mutually agreed-upon plan. To the extent feasible, the therapeutic courts shall use  
14 existing public agencies, medical and treatment services, housing, and other public, private,  
15 and nonprofit community services; the pilot program in Bethel shall also consult and  
16 coordinate services with municipal and other local entities to facilitate the successful  
17 reintegration of offenders into municipalities and other locales outside of Bethel. Each  
18 therapeutic court shall be adapted to fit the available local resources and cultural traditions.

19 (c) In addition to any authorized sentence under AS 12.55, a therapeutic court shall, to  
20 the extent feasible, consider or require

21 (1) early intervention to plan and begin treatment for recovery from alcohol or  
22 drug addiction;

23 (2) emphasis on personal responsibility;

24 (3) frequent appearances before the same judge to provide in-court recognition  
25 of progress and quick sanctions for relapses;

26 (4) in-court recognition of progress and quick sanctions for relapses;

27 (5) if the offender is living in a municipality or an area of the state without a  
28 judge, frequent appearances before a person or persons designated by the judge who will  
29 report progress and relapses to the judge;

30 (6) prompt payment of restitution for victims;

31 (7) completion of community work service as appropriate for restoration of

1 the community;

2 (8) pharmaceutical treatment of the physical addiction to alcohol or drugs, as  
3 approved and prescribed by a physician;

4 (9) treatment addressing the psychosocial bases of the addiction;

5 (10) a strong monitoring program to enforce long-term abstinence;

6 (11) appropriate physical placement or housing;

7 (12) assistance in obtaining a constructive alcohol- and drug-free occupation  
8 and lifestyle;

9 (13) assistance from supportive friends and relatives;

10 (14) payment for all or a portion of treatment costs;

11 (15) adherence to all probation conditions;

12 (16) collection of data about and evaluation of the effectiveness of the  
13 program;

14 (17) the defendant to execute releases to provide information and reports to  
15 the court, the prosecutor, and all agencies involved in the defendant's therapeutic court plan;  
16 and

17 (18) case coordination in planning for and assisting offenders in  
18 accomplishing the conditions set out in (1) - (17) of this subsection.

19 (d) The state or municipal prosecutor, publicly appointed counsel, and court shall  
20 develop a list of sanctions to be imposed in the event that a defendant violates conditions  
21 imposed by a therapeutic court. This list shall be provided to all defendants who request  
22 referral to a therapeutic court.

23 (e) With the consent of the state or municipal prosecutor and the defendant, a criminal  
24 case may be referred to a therapeutic court upon the request of the prosecutor, the defendant,  
25 or the court if the defendant's request is made within 45 days of arraignment. The court may  
26 accept a defendant into the therapeutic court if the defendant is not charged with an  
27 unclassified felony, a class A felony, or an offense under AS 11.41.410 - 11.41.470.

28 (f) A defendant referred to a therapeutic court shall enter a plea of guilty or no contest  
29 within 45 days after the defendant's first appearance before the therapeutic court.

30 (g) The state or municipal prosecutor and the defendant may enter into a plea  
31 agreement. If the court accepts the agreement, the court shall enforce the terms of the

1 agreement.

2 (h) Within 30 days after entry of the plea, the court shall enter a judgment of  
3 conviction. The judgment of conviction must set a schedule for payment of restitution owed  
4 by the defendant. In the judgment of conviction and upon probation conditions that the court  
5 considers appropriate, the court may withhold pronouncement of a period of imprisonment or  
6 a fine to provide an incentive for the defendant to successfully complete recommended  
7 treatment. Imprisonment or a fine imposed by a therapeutic court shall comply with AS 12.55  
8 or any mandatory minimum or other sentencing provision applicable to the offense.  
9 However, notwithstanding any other provision of law, the entire period of imprisonment or  
10 amount of fine, including a presumptive or mandatory minimum sentence, may be suspended  
11 if the defendant has successfully completed court-ordered treatment, is current with restitution  
12 payments, and has substantially complied with sobriety and other conditions imposed by the  
13 court.

14 (i) Notwithstanding any other provision of law to the contrary, the judge, the state or  
15 municipal prosecutor, the defendant, and the agencies involved in the defendant's treatment  
16 plan are entitled to information and reports bearing on the defendant's assessment, treatment,  
17 and progress.

18 (j) The Alaska Judicial Council shall conduct an evaluation of the pilot therapeutic  
19 courts and prepare a report to the legislature, courts, and affected agencies. The report shall  
20 be disseminated no later than July 1, 2005.

21 (k) In addition to other conditions authorized under AS 12.30 or AS 12.55, a  
22 therapeutic court may impose the following conditions of bail or probation:

23 (1) require the defendant to submit to electronic monitoring if the  
24 commissioner of corrections agrees to this condition;

25 (2) require the defendant to submit to house arrest.

26 (l) A defendant who is subject to a condition set out in (k) of this section is not  
27 entitled to credit for time served.

28 (m) In addition to other conditions authorized under AS 12.30, a therapeutic court  
29 may require the defendant to take a drug or combination of drugs intended to prevent the  
30 consumption of alcoholic beverages.

31 (n) In this section, "sentence" or "sentencing" includes a suspended imposition of

1 sentence as authorized under AS 12.55.085.

2 \* **Sec. 2.** AS 22.10.120 is amended to read:

3           **Sec. 22.10.120. Number of judges.** The superior court consists of **34** [32]  
4 judges, five of whom shall be judges in the first judicial district, three of whom shall  
5 be judges in the second judicial district, **19** [18] of whom shall be judges in the third  
6 judicial district, and **seven** [SIX] of whom shall be judges in the fourth judicial  
7 district. At the time of submitting the names of nominees to the governor to fill a  
8 vacancy on the superior court bench, the judicial council shall also designate the  
9 district in which the appointee is to reside and serve.